IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 22897 of 2005

Between:

K. Sunderrami Reddy

..... PETITIONER

AND

Govt. of A.P, rep by its Registrar

and Commissioner of Cooperative Societies,

Hyderabad and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 3rd respondent in not removing the name of the 5th respondent from the revised voters list of Ward No.10 of the 4th respondent society even after examining the records of the pre-revised voters list and admitting the nomination of the 5th respondent for contesting elections to the 4th respondent society, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

It is stated that in the voters list prepared as on 11.08.2005, the name of one A.Prabhakar Reddy, S/o.Munaswamy Reddy, aged 40 years, caste OC, was figured at Sl.No.131, G.No.2925, but whereas in the voters list prepared subsequent to 11.08.2005, the name of one A.Munisekhar Reddy, S/o.A.V.Munaswamy, aged 40 years, caste OC, was figured at Sl.No.1029, G.No.731, and taking advantage of the voters list prepared subsequent to 11.08.2005, though the name of the 5th respondent was not figured in the voters list prepared as on 11.08.2005, the 5th respondent filed his nomination, and hence the acceptance of his nomination by the 3rd respondent is illegal.

Under Rule 22 (5) (c) of A.P.Cooperative Societies Rules, 1964, the nomination of candidate shall not be rejected on the ground of incorrect spelling of name or the name of the proposer or seconder or any other particulars relating to them as entered in the list of eligible voters, if their identity is otherwise established beyond reasonable doubt.

Whether A.V.Munisekhar Reddy, S/o.A.V.Munaswamy, who filed the nomination for ward No.9, is genuine person or not, and his identity is rightly established or not, are the disputed facts and they have to be decided in an appropriate forum after enquiry. But this Court cannot decide those disputes facts by invoking the jurisdiction under Article 226 of the Constitution of India. Therefore, the writ petition cannot be

entertained and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, it is left open to the petitioner to file an Election Petition in an appropriate Court of law, raising all his contentions, if he is so advised. No order as to costs.

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V.ESWARAIAH,J

Dated: 25.10.2005

Dsr